



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590  
November 18, 2014

REPLY TO THE ATTENTION OF:

LC- 8J

CERTIFIED MAIL

Receipt No. 7011 1150 0000 2643 8043

Mr. Juan Mendez  
La Bodega, LTD.  
3225 S. Western Ave.  
Chicago, Illinois 60608

Consent Agreement and Final Order In the Matter of  
La Bodega, LTD. Docket No. FIFRA-05-2015-0009

Dear Mr. Mendez:

Enclosed please find a copy of a fully executed Consent Agreement and Final Order, in resolution of the above case. This document was filed on November 18, 2014, with the Regional Hearing Clerk.

The civil penalty in the amount of \$3,500 is to be paid in the manner described in paragraphs 28 and 29. Please be certain that the docket number is written on both the transmittal letter and on the check. Payment is due by December 18, 2014, (within 30 calendar days of the filing date).

Thank you for your cooperation in resolving this matter.

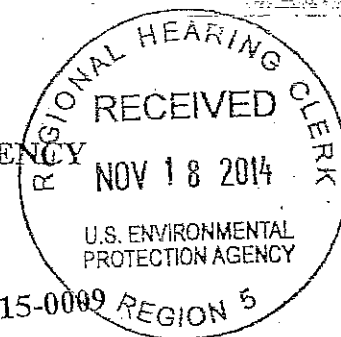
Sincerely,

A handwritten signature in cursive script, reading "Terence Bonace", is written above the typed name.

Terence Bonace  
Pesticides and Toxics Compliance Section

Enclosures

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5



|                                     |   |   |
|-------------------------------------|---|---|
| In the Matter of:                   | ) | Docket No.                              |
|                                     | ) | FIFRA-05-2015-0009                      |
| La Bodega, Ltd., Chicago, Illinois, | ) | Proceeding to Assess a Civil Penalty    |
|                                     | ) | Under Section 14(a) of the Federal      |
| Respondent.                         | ) | Insecticide, Fungicide, and Rodenticide |
|                                     | ) | Act, 7 U.S.C. § 136l(a)                 |

Consent Agreement and Final Order Commencing and Concluding the Proceeding

Preliminary Statement

1. This is an administrative action commenced and concluded under Section 14(a) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. § 136l(a), and Sections 22.13(b) and 22.18(b)(2) and (3) of the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits* (Consolidated Rules) as codified at 40 C.F.R. Part 22.
2. The Complainant is the Director of the Land and Chemicals Division, U. S. Environmental Protection Agency , Region 5.
3. Respondent is La Bodega, Ltd., a company doing business in the State of Illinois.
4. Where the parties agree to settle one or more causes of action before the filing of a complaint, the administrative action may be commenced and concluded simultaneously by the issuance of a consent agreement and final order (CAFO). 40 C.F.R. § 22.13(b).
5. The parties agree that settling this action without the filing of a complaint or the adjudication of any issue of fact or law is in their interest and in the public interest.
6. Respondent consents to the assessment of the civil penalty specified in this CAFO, and to the terms of this CAFO.

### Jurisdiction and Waiver of Right to Hearing

7. Respondent admits the jurisdictional allegations in this CAFO and neither admits nor denies the factual allegations in this CAFO.

8. Respondent waives its right to request a hearing as provided at 40 C.F.R. § 22.15(c), any right to contest the allegations in this CAFO, and its right to appeal this CAFO.

9. Respondent certifies that it is complying with FIFRA, 7 U.S.C. §§ 136 to 136y.

### Statutory and Regulatory Background

10. Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), states that it is unlawful for any person in any state to distribute or sell to any person any pesticide that is not registered under Section 3 of FIFRA, 7 U.S.C. § 136a.

11. The term "distribute or sell" means "to distribute, sell, offer for sale, hold for distribution, hold for sale, hold for shipment, ship, deliver for shipment, release for shipment, or receive and (having so received) deliver or offer to deliver." 7 U.S.C. § 136(gg).

12. A "pesticide" is, among other things, any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest. 7 U.S.C. § 136(u).

13. A "pest" is any insect, rodent, nematode, fungus, weed, or any other form of terrestrial or aquatic plant or animal life or virus, bacteria, or other micro-organism which the Administrator of EPA declares to be a pest under Section 25(c)(1) of FIFRA. 7 U.S.C. § 136(t).

14. A substance is considered to be intended for a pesticidal purpose, and thus to be a pesticide requiring registration, if the person who distributes or sells the substance claims, states, or implies (by labeling or otherwise) that the substance can or should be used as a pesticide. 40 C.F.R. § 152.15(a)(1).

15. The Administrator of EPA may assess a civil penalty against any registrant,

commercial applicator, wholesaler, dealer, retailer, other distributor who violates any provision of FIFRA of up to \$7,500 for each offense that occurred after January 12, 2009, pursuant to Section 14(a)(1) of FIFRA, 7 U.S.C. § 1367(a)(1), and 40 C.F.R. Part 19.

**Factual Allegations and Alleged Violations**

16. On February 22, 2012, Respondent was a limited liability corporation.

17. Therefore, Respondent was a "person" as defined at Section 2(s) of FIFRA, 7 U.S.C. § 136(s).

18. On February 22, 2012, Respondent owned or operated a place of business located at 559 Main Street, West Chicago, Illinois.

19. On or about February 22, 2012, Respondent sold to Carniceria Jimenez, Inc., the product "Axion Antibacterial."

20. The label of "Axion Antibacterial" stated, "Ademas, Axion Antibacterial elimina el 99.99% de P.aeruginos, E. coli, S. typhymurion, S. aureus."

21. The label of "Axion Antibacterial" stated it eliminated bacteria.

22. Bacteria is a "pest" as defined in Section 2(t) of FIFRA, 7 U.S.C. § 136(t).

23. Therefore, "Axion Antibacterial" was a pesticide.

24. However, "Axion Antibacterial" was not registered with EPA as a pesticide under Section 3 of FIFRA, 7 U.S.C. § 136a.

25. On February 22, 2012, Respondent distributed or sold the unregistered pesticide "Axion Antibacterial."

26. Respondent's distribution or sale of the unregistered pesticide "Axion Antibacterial" constituted an unlawful act pursuant to Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

Civil Penalty

27. Pursuant to Section 14(a)(4) of FIFRA, 7 U.S.C. § 1361(a)(4), Complainant determined that an appropriate civil penalty to settle this action was \$3,500.00. In determining the penalty amount, Complainant considered the appropriateness of the penalty to the size of Respondent's business, the effect on Respondent's ability to continue in business, and the gravity of the alleged violation. Complainant also considered EPA's *Enforcement Response Policy for the Federal Insecticide, Fungicide, and Rodenticide Act*, dated July 2, 1990.

28. Within 30 days after the effective date of this CAFO, Respondent must pay a \$3,500.00 civil penalty for the alleged violation of FIFRA by sending a cashier's or certified check, payable to the "Treasurer, United States of America," to:

U.S. EPA  
Fines and Penalties  
Cincinnati Finance Center  
Post Office Box 979077  
St. Louis, Missouri 63197-9000

The check must note the case title, the docket number of this CAFO, and the billing document number.

29. The payment must include a transmittal letter, stating Respondent's name, the case title, Respondent's complete address, the case docket number and the billing document number.

Respondent must also send a copy of the check and transmittal letter to:

Regional Hearing Clerk (E-19J)  
U.S. EPA, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604

Terence Bonace (LC-8J)  
Pesticides and Toxics Compliance Section  
U.S. EPA, Region 5  
77 West Jackson Boulevard.  
Chicago, Illinois 60604

Jeffery M. Trevino (C-14J)  
Office of Regional Counsel  
U.S. EPA, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604

30. This civil penalty is not deductible for federal tax purposes.

31. If Respondent does not pay the civil penalty timely EPA may refer the matter to the Attorney General who will recover such amount by action in the appropriate United States district court under Section 14(a)(5) of FIFRA, 7 U.S.C. § 136(a)(5). The validity, amount and appropriateness of the civil penalty are not reviewable in a collection action.

32. Pursuant to 31 C.F.R. § 901.9, Respondent must pay the following on any amount overdue under this CAFO. Interest will accrue on any amount overdue from the date payment was due at a rate established by the Secretary of the Treasury. Respondent must pay a \$15 handling charge each month that any portion of the penalty is more than 30 days past due. In addition, Respondent must pay a 6 percent per year penalty on any principal amount 90 days past due.

#### **General Provisions**

33. This CAFO resolves only Respondent's liability for federal civil penalties for the violations and facts alleged in the CAFO.

34. This CAFO does not affect the right of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law.

35. This CAFO does not affect Respondent's responsibility to comply with FIFRA and

other applicable federal, state, and local laws.

36. This CAFO is a "final order" for purposes of EPA's Enforcement Response Policy for FIFRA.

37. The terms of this CAFO bind Respondent, its successors, and assigns.

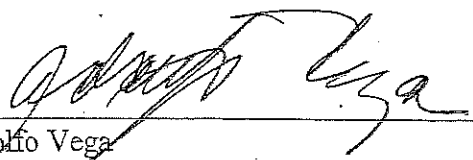
38. Each person signing this agreement certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to its terms.

39. Each party agrees to bear its own costs and attorney's fees, in this action.

40. This CAFO constitutes the entire agreement between the parties.

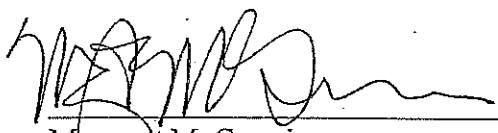
**La Bodega, Ltd., Chicago, Illinois**

9-30-14  
Date

  
\_\_\_\_\_  
Adolfo Vega  
President

**United States Environmental Protection Agency, Complainant**

11/6/2014  
Date

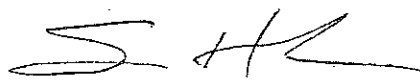
  
\_\_\_\_\_  
Margaret M. Guerriero  
Director  
Land and Chemicals Division

In the Matter of: La Bodega, Ltd., Chicago, Illinois  
Docket No. **FIFRA-05-2015-0009**

**Final Order**

This Consent Agreement and Final Order, as agreed to by the parties, shall become effective immediately upon filing with the Regional Hearing Clerk. This Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31. IT IS SO ORDERED.

11-12-14  
Date

  
\_\_\_\_\_  
Susan Hedman  
Regional Administrator  
United States Environmental Protection Agency  
Region 5

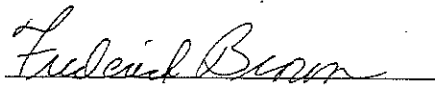
CERTIFICATE OF SERVICE

I hereby certify that the original signed copy of the Consent Agreement and Final Order in resolution of the civil administrative action involving La Bodega, LTD., was filed on November 18, 2014, with the Regional Hearing Clerk (E-19J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois, 60604, and that I mailed by Certified Mail, Receipt No. 7011 1150 0000 2643 8043, a copy of the original to the Respondent:

Mr. Juan Mendez  
La Bodega, LTD.  
3225 S. Western Ave.  
Chicago, Illinois 60608

and forwarded copies (intra-Agency) to:

Ann Coyle, Regional Judicial Officer, ORC/C-14J  
Jeffery M. Trevino, Assistance Judicial Officer, ORC/C-14J  
Eric Volck, Cincinnati Finance/MWD



Frederick Brown  
Pesticides and Toxics Compliance Section  
U.S. EPA - Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604

Docket No. FIFRA-05-2015-0009





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590  
**MAR 14 2014**

REPLY TO THE ATTENTION OF:

LC-8J

**CERTIFIED MAIL No. 7009 1680 0000 7676 3868**  
**RETURN RECEIPT REQUESTED**

Mr. Al Pomella  
General Manager  
Swim, Inc.  
4831 S. Whipple Street  
Chicago, Illinois 60632

**NOTICE OF INTENT TO TERMINATE**  
**ESTABLISHMENT REGISTRATION 045973-IL-002**

Dear Mr. Pomella:

The U.S. Environmental Protection Agency is hereby informing you of EPA's intention to terminate the establishment registration (EPA Est. Reg. 045973-IL-002), of Swim Chem, Inc, located at 1227 22<sup>nd</sup> Street, Rockford, Illinois 61108, pursuant to Section 7(c) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (FIFRA or the Act), 7 U.S.C. § 136e(c), and 40 C.F.R. § 167.20(f).

A pesticide producer operating an actively registered establishment must submit an annual Pesticides Report for Pesticide-Producing Establishments (EPA Form 3540-16) (hereafter referred to as the "Report") to the EPA Regional Office which serves the area where the establishment's corporate headquarters (or parent office) is located on or before March 1 of each year. You are a "person" who operates an establishment(s) for purposes of "producing" pesticides and/or devices as those terms are defined by FIFRA and its implementing regulations.

Failure by Swim Chem, Inc, a pesticide producer operating Swim, Inc, 045973-IL-002 to file the required annual Reports on pesticide and/or device production for the calendar years 2008 through 2012 has already subjected the establishment to possible civil penalties under the Act.

You are hereby instructed by this Notice of Intent to Terminate an Establishment Registration to submit the delinquent Reports on pesticide production by your registered establishment to:

Pesticide Report Contact (LC-8J)  
U.S. EPA - Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590

The Reports must be submitted to EPA regardless of whether or not pesticides were produced at your registered establishment during any calendar year. You can obtain a copy of the reporting instructions as well as the Report (EPA Form 3540-16) at the following web site:  
<http://www.epa.gov/compliance/monitoring/programs/fifra/establishments.html>.

This Notice is our final solicitation for the delinquent Reports. Failure on your part to submit the required Reports within thirty (30) days of your receipt of this Notice will result in the termination of the establishment registration for 045973-IL-002, effective upon the date of the Agency's issuance of a Notice of Termination of Establishment Registration. The cancellation of an establishment registration number terminates a person's opportunity to produce pesticides and/or devices in the establishment that is operated by that person.

You should take all necessary measures to preclude any pesticide production at the establishment not in compliance with FIFRA.

All correspondence and any questions you may have regarding this Notice of Intent to Terminate Establishment Registration should be directed in writing to the address above. You may telephone a member of the Section 7 group of the Pesticides and Toxics Compliance Section at (312) 886-0270, if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "David Star", is written over a horizontal line.

David Star  
Chief  
Pesticides and Toxics Compliance Section



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

AUG 11 2014

REPLY TO THE ATTENTION OF:

LC-8J

**CERTIFIED MAIL No. 7009 1680 0000 7668 0486**  
**RETURN RECEIPT REQUESTED**

Ms. Maria Vrabie  
Vice President  
Hu-Friedy Mfg. Co  
322 North Rockwell Street  
Chicago, Illinois 60618

**NOTICE OF INTENT TO TERMINATE**  
**ESTABLISHMENT REGISTRATION 075372-IL-001**

Dear Ms. Vrabie:

The U.S. Environmental Protection Agency is hereby informing you of EPA's intention to terminate the establishment registration (EPA Est. Reg. 075372-IL-001) of Hu-Friedy Mfg. Co, located at 1666 East Touchy Avenue, Des Plaines, Illinois 60018 pursuant to Section 7(c) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (FIFRA or the Act), 7 U.S.C. § 136e(c), and 40 C.F.R. § 167.20(f).

A pesticide producer operating an actively registered establishment must submit an annual Pesticides Report for Pesticide-Producing Establishments (EPA Form 3540-16) (hereafter referred to as the "Report") to the EPA Regional Office which serves the area where the establishment's corporate headquarters (or parent office) is located on or before March 1 of each year. You are a "person" who operates an establishment(s) for purposes of "producing" pesticides and/or devices as those terms are defined by FIFRA and its implementing regulations.

Failure by Hu-Friedy Mfg. Co, a pesticide producer operating the Hu-Friedy Mfg. Co, 075372-IL-001 to file the required annual Reports on pesticide and/or device production for the calendar years 2011 and 2012 has already subjected the establishment to possible civil penalties under the Act.

You are hereby instructed by this Notice of Intent to Terminate an Establishment Registration to submit the delinquent Reports on pesticide production by your registered establishment to:

Pesticide Report Contact (LC-8J)  
U.S. EPA - Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590

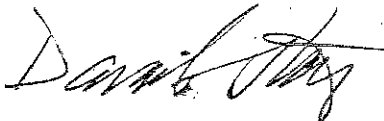
The Reports must be submitted to EPA regardless of whether or not pesticides were produced at your registered establishment during any calendar year. You can obtain a copy of the reporting instructions as well as the Report (EPA Form 3540-16) at the following web site:  
<http://www.epa.gov/compliance/monitoring/programs/fifra/establishments.html>.

This Notice is our final solicitation for the delinquent Reports. Failure on your part to submit the required Reports within thirty (30) days of your receipt of this Notice will result in the termination of the establishment registration for 075372-IL-001, effective upon the date of the Agency's issuance of a Notice of Termination of Establishment Registration. The cancellation of an establishment registration number terminates a person's opportunity to produce pesticides and/or devices in the establishment that is operated by that person.

You should take all necessary measures to preclude any pesticide production at the establishment not in compliance with FIFRA.

All correspondence and any questions you may have regarding this Notice of Intent to Terminate Establishment Registration should be directed in writing to the address above. You may telephone a member of the Section 7 group of the Pesticides and Toxics Compliance Section at (312) 886-0270, if you have any questions.

Sincerely,



David Star  
Chief  
Pesticides and Toxics Compliance Section

---

Cc: Warren Goetsch  
Illinois Department of Agriculture



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5 (LC-8J)  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

November 4, 2014

MEMORANDUM

SUBJECT: Requested Action to be Taken on the Pesticide Import Shipments to be Identified Under Customs Entry Numbers 300-1575560-5 and 300-1575571-2

FROM: Claudia Niess, Enforcement Officer *[Signature]*  
Pesticides and Toxics Compliance Section

TO: Jeffrey Saum, Associate Port Director  
U.S. Customs and Border Protection - Port of Port Huron

By this memorandum, EPA Region 5 is informing the U.S. Customs and Border Protection that several products to be imported in the shipments described under Entry Numbers 300-1575560-5 and 300-1575571-2 should be **Denied Entry-Refused Delivery** into the United States (19 CFR 12.114). We have annotated and signed the Notices of Arrival of Pesticides and Devices (NOA or EPA Form 3540-1) with an identical request.

- The pesticide products in Entry Number 300-1575560-5 are:
  - "Miracle Disinfectant Spray and Wipe," EPA Reg. No. 1839-83-67205;
  - "Swish Multi Surface Sanitizer," EPA Reg. No. 1839-152-67205;
  - "ES512 Sanitizer Disinfectant," EPA Reg. No. 1839-86-68138; and
  - "Quatto 44 Detergent Disinfectant," EPA Reg. No. 1839-95-67205.
- The pesticide product in Entry Number 300-1575571-2 is "Swish Multi Surface Sanitizer," EPA Reg. No. 1839-152-67205.
- The shipment under Entry Number 300-1575560-5 consists of:
  - 77 cases each containing 6 32 fluid ounce bottles and 36 cases containing 1 gallon size containers of "Miracle Disinfectant Spray and Wipe" totaling 1,151 kilograms;
  - 72 cases of "Swish Sulti Surface Sanitizer" totaling 792 kilograms;
  - 72 cases of "ES512 Sanitizer Disinfectant" totaling 792 kilograms; and
  - 40 cases of "Quatto 44 Detergent Disinfectant" totaling 440 kilograms.
- The shipment under Entry Number 300-1575571-2 consists of 40 cases of "Swish Multi Surface Sanitizer" totaling 360 kilograms.
- The broker/filer is Livingston International, located at 352 Sonwil Drive, Buffalo, New York 14225.
- The importer of record is Nuance Solutions, located at 9860 South Dorchester, Chicago, Illinois 60628.
- The shipper of record is Charlotte Products, located at 2060 Fiaher Drive, Peterborough, Ontario, Canada K9J 8N4.
- The carrier of record is Hercules Transport.



- The Country of Origin is Canada
- The estimated Entry Date listed on the NOAs is October 12, 2014.

According to the broker/filer of record, no PAPS number or Bill of Lading has been assigned to either of these shipments as of November 4, 2014.

Based on information provided by the importer, EPA has determined that the pesticides in these shipments are misbranded. Specifically, the labels affixed to the quantity of "Miracle Disinfectant Spray and Wipe" does not match the label accepted by EPA for EPA Reg. No. 1839-83 on July 22, 2010. The labels affixed to the quantity of "Swish Multi Surface Sanitizer" does not match the label accepted by EPA for EPA Reg. No. 1839-152 on June 14, 2010. The labels affixed to the quantity of "ES512 Sanitizer Disinfectant" does not match the label accepted by EPA for EPA Reg. No. 1839-86 on July 17, 2012. The labels affixed to the quantity of "Quatto 44 Detergent Disinfectant" does not match the label accepted by EPA for EPA Reg. No. 1839-95 on July 7, 2011. The importation of the above listed pesticides constitutes an unlawful act, as per Section 12(a)(1)(E) of FIFRA.

Additionally, the importer has provided a false, positive TSCA certifications to EPA with the NOAs. For products not subject to TSCA, including those products which meet the definition of a "pesticide" under FIFRA, the importer must provide a negative TSCA certification to CBP as required by 19 C.F.R. § 12.121 and 40 C.F.R. § 707.20.

Pursuant to the authority of Section 17(c) of FIFRA, 7 U.S.C. § 136o(c), and the regulations at 19 C.F.R. § 12.114, EPA, Region 5 is recommending that CBP **Deny Entry-Refuse Delivery** of the pesticide products being imported under Entry Numbers 300-1575560-5 and 300-1575571-2. If you have any further questions or concerns, please contact me at 312-886-7598 or David Star, Import Coordinator at 312-886-6009

cc: Jim Batley, Charlotte Products  
David Gaddie, Port of Port Huron  
Chadrick Matthies, CBP-Port of Detroit  
John Nowak, CBP-Port of Detroit  
James Petrach, CBP-Port of Port Huron  
Ryan Robazza, Livingston International  
Gene Rosso, CBP- Port of Port Huron  
David Star, EPA-Region 5





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5 (LC-8J)  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

October 16, 2014

MEMORANDUM

SUBJECT: Requested Action to Be Taken Regarding the Pesticide Import Shipments  
Identified Under Customs Entry Numbers 300-1565490-7 and 300-1565488-1

FROM: Meghan Dunn, Enforcement Officer  
Pesticides & Toxics Compliance Section

TO: Jeffrey Saum, Assistant Port Director  
U.S. Customs and Border Protection - Port of Port Huron

By this memorandum, the U.S. Environmental Protection Agency, Region 5 is informing the U.S. Customs and Border Protection that the import shipments described under Entry Numbers 300-1565490-7 and 300-1565488-1 should be Denied Entry-Refused Delivery into the United States pursuant to the authority of Section 17(c) of FIFRA, 7 U.S.C. § 136o(c), and the regulations at 19 C.F.R. § 12.114. We have annotated and signed the Notices of Arrival of Pesticides and Devices (EPA Form 3540-1) with an identical request.

- The pesticide product in both import shipments is "Enviro Solutions 64," EPA Registration Number 6836-204-68138.
- The EPA Producer Establishment Number for both shipments is 64900-CAN-1.
- Each shipment consists of 72 cases, each case contains 2 x 0.52 gallon units of "Enviro Solutions 64," totaling 792 kg per shipment.
- The importer of record is Nuance Solutions located at 9860 South Dorchester, Chicago, Illinois 60628.
- The broker of record is Livingston International, Inc. located at 352 Sonwil Drive, Buffalo, New York 14225.
- The shipper of record is Charlotte Products located at 2060 Fisher Drive, Peterborough, Ontario, Canada K9J 8N4.
- The intended carrier is Hercules, 1100 Arrow Road, Toronto, Ontario, Canada M9M 2Z1.
- The Country of Origin is Canada.

Based on information provided by the importer of record, EPA has determined that the two pesticide product shipments of "Enviro Solutions 64" are misbranded as defined at Section 2(q) of FIFRA, 7 U.S.C. § 136(q). Specifically, the product labels list false or misleading information regarding the pests (bacteria) the product it is effective against. As such, the distribution or sale of the pesticide product "Enviro Solutions 64" constitutes an unlawful act under Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E).



Pursuant to the authority of Section 17(c) of FIFRA, 7 U.S.C. § 136o(c), and the regulations at 19 C.F.R. § 12.114, EPA, Region 5 is recommending CBP **Deny Entry-Refuse Delivery** of the pesticide product to be imported under Entry Numbers 300-1565490-7 and 300-1565488-1.

The shipper has indicated to EPA that it does not intend to ship the pesticide products in these shipments to the United States and both shipments will remain in Canada.

If you have any further questions or concerns, please contact me at 312-886-6191 or David Star, Import Coordinator at 312-886-6009.

cc: Eugene Rosso, CBP – Port Huron  
Amber Skotzke, CBP – Port Huron  
James Petrach CBP – Port Huron  
David Star, EPA - Region 5  
Amy Martin, Livingston International, Inc.  
Mark McInnes, Charlotte Products  
Bill Harvel, Nuance Solutions





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5 (LC-8J)  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

April 4, 2014

MEMORANDUM

SUBJECT: Requested Action to Be Taken Regarding the Pesticide Import Shipment  
Identified Under Customs Entry Number 416-0129459-2

FROM: Meghan Dunn, Enforcement Officer *Meghan Dunn*  
Pesticides & Toxics Compliance Section

TO: Isaac Thomas, Chief, Enforcement Selectivity  
U.S. Customs and Border Protection, Port of Chicago

By this memorandum, the U.S. Environmental Protection Agency, Region 5 is informing the U.S. Customs and Border Protection that the import shipment described under Entry Number 416-0129459-2 should be **Denied Entry-Refused Delivery** into the United States pursuant to the authority of Section 17(c) of FIFRA, 7 U.S.C. § 136o(c), and the regulations at 19 C.F.R. § 12.114. We have annotated and signed the Notice of Arrival of Pesticides and Devices (EPA Form 3540-1) with an identical request.

- The pesticide in this import shipment is "Bed Bug Alert Monitor."
- The shipment is currently located at Global CFS, 860 Foster Avenue, Bensenville, Illinois 60106.
- The shipment's gross weight is 900 kg and consists of 1080 units of "Bed Bug Alert Monitor."
- The importer of record is Bird-X, Inc. located at 300 North Oakley Boulevard, Chicago, Illinois 60612.
- The broker of record is A.L. Fase & Co. located at 248 Howard Avenue, Des Plaines, Illinois 60018.
- The shipper of record is Dong Guan Gang Dongn Plastic Product Ltd., Fifth Ind. Est. Xie Gang Town, Donguan City, Guangdong Province, China
- The Country of Origin is China.
- The Master Bill of Lading number for this shipment is COSU6081096560.
- The HTS Code is 3808.91.5000.

Based on information provided by the importer of record, EPA has determined that the pesticide product "Bed Bug Alert Monitor" is an unregistered pesticide. The distribution or sale of the unregistered pesticide "Bed Bug Alert Monitor" constitutes an unlawful act under Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).



Pursuant to the authority of Section 17(c) of FIFRA, 7 U.S.C. § 136o(c), and the regulations at 19 C.F.R. § 12.114, EPA, Region 5 is recommending CBP **Deny Entry-Refuse Delivery** of the pesticide device being imported under Entry Number 416-0129459-2.

Please note that the shipment is currently being held at Global CFS, 860 Foster Avenue, Bensenville, Illinois. The company has indicated it will make arrangements to export the product.

If you have any further questions or concerns, please contact me at 312-886-6191 or David Star, Import Coordinator at 312-886-6009.

cc: David Star, U.S. EPA, Region 5  
Kimberly Der-Yeghiayan, U.S. CBP, Chicago  
Michael Johnson, U.S. CBP, Chicago  
Melvin Dennis, U.S. CBP, Chicago  
Suzanne Sublett-Nyenhuis, U.S. CBP, Chicago  
Maria Rodriguez, U.S. CBP, Chicago  
James Putnam, U.S. CBP, Chicago  
James Marks, Bird-X, Inc.  
Michael Howe, NPD Products  
Drew Fase, A.L. Fase & Co.





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590  
**JAN 23 2014**

REPLY TO THE ATTENTION OF:

LC-8J

RETURN RECEIPT No. 7009 1680 0000 7677 6578  
CERTIFIED MAIL

Mr. Robert Schmit  
President  
Schmit Laboratories, Inc.  
5837 Oakley Street  
Chicago, Illinois 60636

AMENDED NOTICE OF VIOLATION

Dear Mr. Schmit:

On July 16, 2013, The U.S. Environmental Protection Agency erroneously issued Schmit Laboratories, Inc. a Notice of Violation (NOV) for failing to submit to the EPA the Pesticides Report for Pesticide-Producing Establishments (EPA Form 3540-16) (hereafter referred to as the "Report") for calendar year **2012**, on or before March 1, 2013. The NOV should have identified Schmit Laboratories, Inc.'s failure to file Reports for **2011** instead of 2012. We apologize for any inconvenience this may have caused, however as no reports were submitted for 2011 you are now receiving this amended NOV for failing to submit the Report for the calendar year 2011, on or before March 1, 2012.

Section 12(a)(2)(L) of FIFRA, 7 U.S.C. § 136j(a)(2)(L), states that it is unlawful for any person who is a producer to violate any of the provisions of Section 7 of the Act. The establishment identified below that is operated by your company has failed to submit the Report -

033696-IL-001  
Schmit Laboratories, Inc.  
5837 Oakley Street  
Chicago, Illinois 60636

A pesticide producer operating an actively registered establishment must submit an annual Report to the U.S. EPA Regional Office which serves the area where the establishment's corporate headquarters (or parent office) is located on or before March 1 of each year. You are a "person" who operates an establishment(s) for purposes of "producing" pesticides and/or devices as those terms are defined by FIFRA and its implementing regulations.

You are hereby instructed by this Notice of Violation to submit the Report on pesticide production at your registered establishment to:

Pesticide Report Contact (LC-8J)  
U.S. EPA - Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590

The Report must be submitted to EPA regardless of whether or not pesticides were produced at your registered establishment in 2011. You can obtain a copy of the reporting instructions as well as the Report (EPA Form 3540-16) at the following web site:

<http://www.epa.gov/compliance/monitoring/programs/fifra/establishments.html>.

This Report must be received by EPA within thirty (30) calendar days from receipt of this Notice of Violation.

If you fail to submit the Report on pesticide production within thirty (30) calendar days after receipt of this Notice, you will be subject to the civil penalty provisions of Section 14(a)(1) of FIFRA, 7 U.S.C. § 136l(a)(1), and the registration of your establishment will be subject to termination pursuant to 40 C.F.R. § 167.20(f).

Please be certain that further pesticide production and recordkeeping are in full compliance with the provisions of Section 7(c) and Section 8(a) of FIFRA, 7 U.S.C. § 136e(c) and § 136f(a), and the regulations at 40 C.F.R. Part 167 and Part 169.

Please note that no person shall produce any pesticide subject to FIFRA in any state unless the establishment in which it is produced is registered with the Administrator of the EPA. The term "produce" is defined by statute and regulation as to manufacture, prepare, propagate, compound, or process any pesticide, including any pesticide produced pursuant to Section 5 of the Act, any active ingredient or device, or to package, repack, label, relabel, or otherwise change the container of any pesticide or device.

If you did submit your Report on or before March 1, 2012, you must send a copy of the Report and a copy of the certified postal return receipt or receipt from other mailing services to us as verification. All correspondence and any questions you may have regarding this Notice of Violation should be directed in writing to the address above. You may telephone a member of

the Section 7 group of the Pesticides and Toxics Compliance Section at (312) 886-0270, if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "David Star".

David Star  
Chief  
Pesticides and Toxics Compliance Section

cc: Warren Goetsch, Bureau Chief  
Illinois Department of Agriculture





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590  
**APR 24 2014**

REPLY TO THE ATTENTION OF:

LC-8J

**CERTIFIED MAIL 7009 1680 0000 7676 4865**  
**RETURN RECEIPT REQUESTED**

Mr. Ricardo Garcia  
President  
Supermercado El Guero No. 8, Inc.  
2101 West Cermak Road  
Chicago, Illinois 60608

NOTICE OF WARNING

Dear Mr. Garcia:

This Notice of Warning constitutes formal notification by the U.S. Environmental Protection Agency, pursuant to Section 9(c)(3) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), that there is reason to believe you have committed an unlawful act under Section 12(a)(1)(A) of FIFRA by distributing or selling an unregistered pesticide.

On April 12, 2012, a representative of the United States Environmental Protection Agency conducted an inspection at Supermercado El Guero No. 8, Inc., 2101 West Cermak, Chicago, Illinois. During that inspection, the inspector observed containers of *Suavitel Baby Antibacterial Fabric Softener* offered for sale at Supermercado El Guero No. 8, Inc.

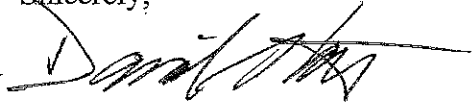
The product *Suavitel Baby Antibacterial Fabric Softener* claims to "elimina hasta de 99.9% de los germenos" and to be "antibacterial." The definition of pests under Section 2(s) of FIFRA includes virus, bacteria and other micro-organisms. Claims to control germs or bacteria are pesticidal claims and products distributed or sold with such claims require pesticide registration. *Suavitel Baby Antibacterial Fabric Softener* is not a registered pesticide.

Section 12(a)(1)(A) of FIFRA states that it is unlawful for any person in any State to distribute or sell to any person any pesticide that is not registered under Section 3 of FIFRA. Unlawful acts under FIFRA are subject to the civil and criminal penalty provisions provided at Section 14(a) of FIFRA, 7 U.S.C. §1361(a).

Please inform EPA of all corrective actions you will undertake to bring your company into compliance with FIFRA within thirty (30) days of receipt of this Notice of Warning. Failure to reply within the allotted time may result in further action by EPA.

All correspondence should be directed to Terence Bonace (LC-8J), Enforcement Case Officer, of my staff. Mr. Bonace can be reached at the above address, by email at [bonace.terence@epa.gov](mailto:bonace.terence@epa.gov) or by telephone at (312) 886-3387.

Sincerely,

A handwritten signature in black ink, appearing to read "David Star", with a long horizontal flourish extending to the right.

David Star  
Chief  
Pesticides and Toxics Compliance Section



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

JUN 13 2014

REPLY TO THE ATTENTION OF:

LC-8J

**CERTIFIED MAIL 7001 0320 0005 8919 9545**  
**RETURN RECEIPT REQUESTED**

Mr. Philip Radtke  
President and Treasurer  
Akzo Nobel  
525 West Van Buren Street  
Chicago, Illinois 60607

ADVISORY LETTER

Dear Mr. Radtke:

On September 26, 2014, an inspector with the U.S. Environmental Protection Agency conducted an inspection at GE Power and Water (GE). During that inspection, the inspector collected evidence that GE had received the product Ethoquad T/13-27W, Chemical Abstracts Service (CAS) Number 91080-64-7, from Akzo Nobel Surface Chemistry, located at 525 West Van Buren Street, Chicago, Illinois 60607. A letter, obtained during that inspection, from Akzo Nobel to GE dated January 10, 2006, identified the "active ingredient" of Ethoquad T/13-27-W as both CAS Number 91080-64-7 and EPA Accession Number 10209.

EPA has determined that CAS Number 91080-24-7 represents "Quaternary ammonium compounds, (C16-18 and C-18 unsaturated alkyl)tris(hydroxyethyl), acetates(salts)" and is not listed on the TSCA Inventory. EPA Accession Number 10209 represents "Tris(substituted alkyl)tallow alkyl ammonium salt" and is listed on the TSCA Inventory. EPA has also determined that the substances represented by CAS Number 91080-64-7 and EPA Accession Number 10209 are not equivalent. CAS Number 91080-64-7 is a "new chemical substance," as that term is defined at 40 CFR § 720.3, because it not listed on the TSCA Inventory.

Section 5(a)(1)(A) of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2604(a)(1)(A), states, in part, no person may manufacture a new chemical substance unless such person submits a notice to EPA of that person's intent to manufacture or process the new chemical substance. EPA's regulations at 40 C.F.R. Part 720 further require the submission of a Premanufacture Notification (PMN) to satisfy the notification requirements of Section 5(a)(1)(A) of TSCA. According to Section 15(1)(B) of TSCA, 15 U.S.C. § 2615(1)(B), it is unlawful for any person to fail to comply with any requirement prescribed by Section 5 of TSCA.

EPA has learned that Akzo Nobel no longer manufactures or distributes "Ethoquad T/13-27-W."  
No further action on your part is required at this time.

All correspondence or communication on this issue should be directed to Claudia Niess,  
Enforcement Officer, of my staff. Ms. Niess can be reached at the above address, by telephone  
at (312) 886-7598, or by email at [niess.claudia@epa.gov](mailto:niess.claudia@epa.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "David Star", with a long horizontal flourish extending to the right.

David Star  
Chief  
Pesticides and Toxics Compliance Section



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

APR 11 2014

REPLY TO THE ATTENTION OF:

LC-8J

**CERTIFIED MAIL No. 7009 1680 0000 7675 0073**  
**RETURN RECEIPT REQUESTED**

Mr. Mikial Fard Muhammed  
President  
M & M Roach Killer  
6345 South Racine  
Chicago, Illinois 60636

**NOTICE OF INTENT TO TERMINATE**  
**ESTABLISHMENT REGISTRATION 054387-IL-001**

Dear Mr. Muhammed:

The U.S. Environmental Protection Agency is hereby informing you of EPA's intention to terminate the establishment registration (EPA Est. Reg. 054387-IL-001), of M & M Roach Killer located at 6345 South Racine, Chicago, Illinois 60636, pursuant to Section 7(c) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (FIFRA or the Act), 7 U.S.C. § 136e(c), and 40 C.F.R. § 167.20(f).

A pesticide producer operating an actively registered establishment must submit an annual Pesticides Report for Pesticide-Producing Establishments (EPA Form 3540-16) (hereafter referred to as the "Report") to the EPA Regional Office which serves the area where the establishment's corporate headquarters (or parent office) is located on or before March 1 of each year. You are a "person" who operates an establishment(s) for purposes of "producing" pesticides and/or devices as those terms are defined by FIFRA and its implementing regulations.

Failure by M & M Roach Killer, a pesticide producer operating the M & M Roach Killer, 054387-IL-001 to file the required annual Reports on pesticide and/or device production for the calendar years 2011 and 2013 has already subjected the establishment to possible civil penalties under the Act.

You are hereby instructed by this Notice of Intent to Terminate an Establishment Registration to submit the delinquent Reports on pesticide production by your registered establishment to:

Pesticide Report Contact (LC-8J)  
U.S. EPA - Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590

The Reports must be submitted to EPA regardless of whether or not pesticides were produced at your registered establishment during any calendar year. You can obtain a copy of the reporting instructions as well as the Report (EPA Form 3540-16) at the following web site:  
<http://www.epa.gov/compliance/monitoring/programs/fifra/establishments.html>.

This Notice is our final solicitation for the delinquent Reports. Failure on your part to submit the required Reports within thirty (30) days of your receipt of this Notice will result in the termination of the establishment registration for 054387-IL-001, effective upon the date of the Agency's issuance of a Notice of Termination of Establishment Registration. The cancellation of an establishment registration number terminates a person's opportunity to produce pesticides and/or devices in the establishment that is operated by that person.

You should take all necessary measures to preclude any pesticide production at the establishment not in compliance with FIFRA.

All correspondence and any questions you may have regarding this Notice of Intent to Terminate Establishment Registration should be directed in writing to the address above. You may telephone a member of the Section 7 group of the Pesticides and Toxics Compliance Section at (312) 886-0270, if you have any questions.

Sincerely,

A handwritten signature in dark ink, appearing to read "David Star", with a stylized flourish at the end.

David Star  
Chief  
Pesticides and Toxics Compliance Section



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590  
**NOV 22 2013**

REPLY TO THE ATTENTION OF:

LC-8J

**CERTIFIED MAIL No. 7009 1680 0000 7677 1933**  
**RETURN RECEIPT REQUESTED**

Mr. Robert J. Creevy  
President  
Xttrium Labs Inc.  
415 Pershing Road  
Chicago, Illinois 60609

**NOTICE OF INTENT TO TERMINATE**  
**ESTABLISHMENT REGISTRATION 005464-IL-001**

Dear Mr. Creevy:

The U.S. Environmental Protection Agency is hereby informing you of the EPA's intention to terminate the establishment registration (EPA Est. Reg. 005464-IL-001), of Xttrium Labs Inc, located at 415 Pershing Road, Chicago Illinois 60609, pursuant to Section 7(c) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (FIFRA or the Act), 7 U.S.C. § 136e(c), and 40 C.F.R. § 167.20(f).

A pesticide producer operating an actively registered establishment must submit an annual Pesticides Report for Pesticide-Producing Establishments (EPA Form 3540-16) (hereafter referred to as the "Report") to the EPA Regional Office which serves the area where the establishment's corporate headquarters (or parent office) is located on or before March 1 of each year. You are a "person" who operates an establishment(s) for purposes of "producing" pesticides and/or devices as those terms are defined by FIFRA and its implementing regulations.

Failure by Portion Xttrium Labs Inc, a pesticide producer operating Portion Xttrium Labs Inc, 005464-IL-001 to file the required annual Reports on pesticide and/or device production for the calendar years 2010, 2011, and 2012 has already subjected the establishment to possible civil penalties under the Act.

You are hereby instructed by this Notice of Intent to Terminate an Establishment Registration to submit the delinquent Reports on pesticide production by your registered establishment to:

Pesticide Report Contact (LC-8J)  
U.S. EPA - Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590

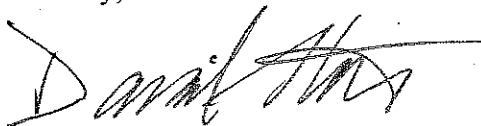
The Report must be submitted to EPA regardless of whether or not pesticides were produced at your registered establishment during any calendar year. You can obtain a copy of the reporting instructions as well as the Report (EPA Form 3540-16) at the following web site:  
<http://www.epa.gov/compliance/monitoring/programs/fifra/establishments.html>.

This Notice is our final solicitation for the delinquent Reports. Failure on your part to submit these two reports, required Reports, within thirty (30) days of your receipt of this Notice will result in the termination of the establishment registration for 005464-IL-001, effective upon the date of the EPA's issuance of a Notice of Termination of Establishment Registration. The cancellation of an establishment registration number terminates a person's opportunity to produce pesticides and/or devices in the establishment that is operated by that person.

You should take all necessary measures to preclude any pesticide production at the establishment not in compliance with FIFRA.

All correspondence and any questions you may have regarding this Notice of Intent to Terminate Establishment Registration should be directed in writing to the address above. You may telephone a member of the Section 7 group of the Pesticides and Toxics Compliance Section at (312) 886-0270, if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "David Star", with a stylized flourish at the end.

David Star  
Chief  
Pesticides and Toxics Compliance Section



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

JUL 30 2014

REPLY TO THE ATTENTION OF:

LC-8J

**CERTIFIED MAIL No. 7009 1680 0000 7668 0592**  
**RETURN RECEIPT REQUESTED**

Mr. James Liao  
President  
LC Formica, Inc.  
P.O. Box 408773  
Chicago, Illinois 60640

**NOTICE OF INTENT TO TERMINATE**  
**ESTABLISHMENT REGISTRATION 082226-IL-001**

Dear Mr. Liao:

The U.S. Environmental Protection Agency is hereby informing you of EPA's intention to terminate the establishment registration (EPA Est. Reg. 082226-IL-001) of LC Formica, located at 1954 South Troy Street, Chicago, Illinois 60623 pursuant to Section 7(c) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (FIFRA or the Act), 7 U.S.C. § 136e(c), and 40 C.F.R. § 167.20(f).

A pesticide producer operating an actively registered establishment must submit an annual Pesticides Report for Pesticide-Producing Establishments (EPA Form 3540-16) (hereafter referred to as the "Report") to the EPA Regional Office which serves the area where the establishment's corporate headquarters (or parent office) is located on or before March 1 of each year. You are a "person" who operates an establishment(s) for purposes of "producing" pesticides and/or devices as those terms are defined by FIFRA and its implementing regulations.

Failure by LC Formica Inc, a pesticide producer operating the LC Formica Inc, 82226-IL-001 to file the required annual Reports on pesticide and/or device production for the calendar years 2009 through 2012 has already subjected the establishment to possible civil penalties under the Act.

You are hereby instructed by this Notice of Intent to Terminate an Establishment Registration to submit the delinquent Reports on pesticide production by your registered establishment to:

Pesticide Report Contact (LC-8J)  
U.S. EPA - Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590

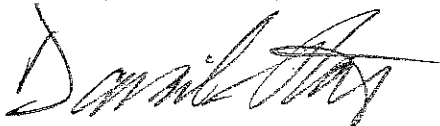
The Reports must be submitted to EPA regardless of whether or not pesticides were produced at your registered establishment during any calendar year. You can obtain a copy of the reporting instructions as well as the Report (EPA Form 3540-16) at the following web site:  
<http://www.epa.gov/compliance/monitoring/programs/fifra/establishments.html>.

This Notice is our final solicitation for the delinquent Reports. Failure on your part to submit the required Reports within thirty (30) days of your receipt of this Notice will result in the termination of the establishment registration for 082226-IL-001, effective upon the date of the Agency's issuance of a Notice of Termination of Establishment Registration. The cancellation of an establishment registration number terminates a person's opportunity to produce pesticides and/or devices in the establishment that is operated by that person.

You should take all necessary measures to preclude any pesticide production at the establishment not in compliance with FIFRA.

All correspondence and any questions you may have regarding this Notice of Intent to Terminate Establishment Registration should be directed in writing to the address above. You may telephone a member of the Section 7 group of the Pesticides and Toxics Compliance Section at (312) 886-0270, if you have any questions.

Sincerely,



David Star  
Chief  
Pesticides and Toxics Compliance Section

Cc: Warren Goetsch  
Illinois Department of Agriculture



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

JUL 30 2014

REPLY TO THE ATTENTION OF:

LC-8J

**CERTIFIED MAIL No. 7009 1680 0000 7676 4131**  
**RETURN RECEIPT REQUESTED**

Ms. Monica Kroeger  
President  
Medallion Products, Inc.  
3117 North Knox Avenue  
Chicago, Illinois 60641

**NOTICE OF INTENT TO TERMINATE**  
**ESTABLISHMENT REGISTRATION 085696-IL-001**

Dear Ms. Kroeger:

The U.S. Environmental Protection Agency is hereby informing you of EPA's intention to terminate the establishment registration (EPA Est. Reg. 085696-IL-001) of Medallion Products Inc, located at 3117 North Knox Avenue, Chicago, Illinois 60641 pursuant to Section 7(c) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (FIFRA or the Act), 7 U.S.C. §136e(c), and 40 C.F.R. § 167.20(f).

A pesticide producer operating an actively registered establishment must submit an annual Pesticides Report for Pesticide-Producing Establishments (EPA Form 3540-16) (hereafter referred to as the "Report") to the EPA Regional Office which serves the area where the establishment's corporate headquarters (or parent office) is located on or before March 1 of each year. You are a "person" who operates an establishment(s) for purposes of "producing" pesticides and/or devices as those terms are defined by FIFRA and its implementing regulations.

Failure by Medallion Products Inc, a pesticide producer operating the Medallion Products Inc, 081119-IL-001 to file the required annual Reports on pesticide and/or device production for the calendar years 2010 through 2012 has already subjected the establishment to possible civil penalties under the Act.

You are hereby instructed by this Notice of Intent to Terminate an Establishment Registration to submit the delinquent Reports on pesticide production by your registered establishment to:

Pesticide Report Contact (LC-8J)  
U.S. EPA - Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590

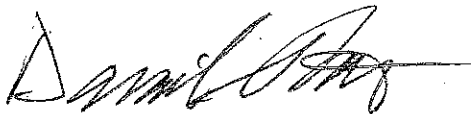
The Reports must be submitted to EPA regardless of whether or not pesticides were produced at your registered establishment during any calendar year. You can obtain a copy of the reporting instructions as well as the Report (EPA Form 3540-16) at the following web site:  
<http://www.epa.gov/compliance/monitoring/programs/fifra/establishments.html>.

This Notice is our final solicitation for the delinquent Reports. Failure on your part to submit the required Reports within thirty (30) days of your receipt of this Notice will result in the termination of the establishment registration for 085696-IL-001, effective upon the date of the Agency's issuance of a Notice of Termination of Establishment Registration. The cancellation of an establishment registration number terminates a person's opportunity to produce pesticides and/or devices in the establishment that is operated by that person.

You should take all necessary measures to preclude any pesticide production at the establishment not in compliance with FIFRA.

All correspondence and any questions you may have regarding this Notice of Intent to Terminate Establishment Registration should be directed in writing to the address above. You may telephone a member of the Section 7 group of the Pesticides and Toxics Compliance Section at (312) 886-0270, if you have any questions..

Sincerely,



David Star  
Chief  
Pesticides and Toxics Compliance Section

Cc: Warren Goetsch  
Illinois Department of Agriculture



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

MAR 14 2014

REPLY TO THE ATTENTION OF:

LC-8J

**CERTIFIED MAIL No. 7009 1680 0000 7676 3837**  
**RETURN RECEIPT REQUESTED**

Mr. Charles A. Kaz  
President  
The Bug Stop  
1942 S. Halsted  
Chicago, Illinois 60608

**NOTICE OF INTENT TO TERMINATE**  
**ESTABLISHMENT REGISTRATION 049045-IL-001**

Dear Mr. Kaz:

The U.S. Environmental Protection Agency is hereby informing you of EPA's intention to terminate the establishment registration (EPA Est. Reg. 049045-IL-001), of The Bug Stop, located at 2029 S Halsted, Chicago, Illinois 60608 pursuant to Section 7(c) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (FIFRA or the Act), 7 U.S.C. § 136e(c), and 40 C.F.R. § 167.20(f).

A pesticide producer operating an actively registered establishment must submit an annual Pesticides Report for Pesticide-Producing Establishments (EPA Form 3540-16) (hereafter referred to as the "Report") to the EPA Regional Office which serves the area where the establishment's corporate headquarters (or parent office) is located on or before March 1 of each year. You are a "person" who operates an establishment(s) for purposes of "producing" pesticides and/or devices as those terms are defined by FIFRA and its implementing regulations.

Failure by The Bug Stop, a pesticide producer operating the Bug Stop, 049045-IL-001 to file the required annual Report on pesticide and/or device production for the calendar year 2011 has already subjected the establishment to possible civil penalties under the Act.

You are hereby instructed by this Notice of Intent to Terminate an Establishment Registration to submit the delinquent Report on pesticide production by your registered establishment to:

Pesticide Report Contact (LC-8J)  
U.S. EPA - Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590

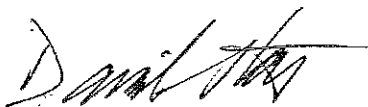
The Report must be submitted to EPA regardless of whether or not pesticides were produced at your registered establishment during any calendar year. You can obtain a copy of the reporting instructions as well as the Report (EPA Form 3540-16) at the following web site:  
<http://www.epa.gov/compliance/monitoring/programs/fifra/establishments.html>.

This Notice is our final solicitation for the delinquent Report. Failure on your part to submit the required Report within thirty (30) days of your receipt of this Notice will result in the termination of the establishment registration for 049045-IL-001, effective upon the date of the Agency's issuance of a Notice of Termination of Establishment Registration. The cancellation of an establishment registration number terminates a person's opportunity to produce pesticides and/or devices in the establishment that is operated by that person.

You should take all necessary measures to preclude any pesticide production at the establishment not in compliance with FIFRA.

All correspondence and any questions you may have regarding this Notice of Intent to Terminate Establishment Registration should be directed in writing to the address above. You may telephone a member of the Section 7 group of the Pesticides and Toxics Compliance Section at (312) 886-0270, if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "David Star", written in a cursive style.

David Star  
Chief  
Pesticides and Toxics Compliance Section



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590  
**SEP 05 2014**

REPLY TO THE ATTENTION OF:  
LC-8J

**CERTIFIED MAIL No. 7009 1680 0000 7676 5541**  
**RETURN RECEIPT REQUESTED**

Mr. Christ Kambesis  
Vice President  
Korex Chicago LLC  
6200 West 51<sup>st</sup> Street  
Chicago, Illinois 60638

**NOTICE OF INTENT TO TERMINATE**  
**ESTABLISHMENT REGISTRATION 083973-IL-001**

Dear Mr. Kambesis:

The U.S. Environmental Protection Agency is hereby informing you of EPA's intention to terminate the establishment registration (EPA Est. Reg. 083973-IL-001), of Korex Chicago LLC, located at 6200 West 51<sup>st</sup> Street, Chicago, Illinois 60638 pursuant to Section 7(c) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (FIFRA or the Act), 7 U.S.C. § 136e(c), and 40 C.F.R. § 167.20(f).

A pesticide producer operating an actively registered establishment must submit an annual Pesticides Report for Pesticide-Producing Establishments (EPA Form 3540-16) (hereafter referred to as the "Report") to the EPA Regional Office which serves the area where the establishment's corporate headquarters (or parent office) is located on or before March 1 of each year. You are a "person" who operates an establishment(s) for purposes of "producing" pesticides and/or devices as those terms are defined by FIFRA and its implementing regulations.

Failure by Korex Chicago LLC, a pesticide producer operating Korex Chicago LLC, 083973-IL-001 to file the required annual Reports on pesticide and/or device production for the calendar year 2010 has already subjected the establishment to possible civil penalties under the Act.

You are hereby instructed by this Notice of Intent to Terminate an Establishment Registration to submit the delinquent Reports on pesticide production by your registered establishment to:

Pesticide Report Contact (LC-8J)  
U.S. EPA - Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590

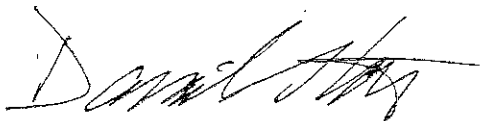
The Reports must be submitted to EPA regardless of whether or not pesticides were produced at your registered establishment during any calendar year. You can obtain a copy of the reporting instructions as well as the Report (EPA Form 3540-16) at the following web site:  
<http://www.epa.gov/compliance/monitoring/programs/fifra/establishments.html>.

This Notice is our final solicitation for the delinquent Reports. Failure on your part to submit the required Reports within thirty (30) days of your receipt of this Notice will result in the termination of the establishment registration for 083973-IL-001, effective upon the date of the Agency's issuance of a Notice of Termination of Establishment Registration. The cancellation of an establishment registration number terminates a person's opportunity to produce pesticides and/or devices in the establishment that is operated by that person.

You should take all necessary measures to preclude any pesticide production at the establishment not in compliance with FIFRA.

All correspondence and any questions you may have regarding this Notice of Intent to Terminate Establishment Registration should be directed in writing to the address above. You may telephone a member of the Section 7 group of the Pesticides and Toxics Compliance Section at (312) 886-0270, if you have any questions.

Sincerely,



David Star  
Chief  
Pesticides and Toxics Compliance Section

cc: Warren Goetsch  
Illinois Department of Agriculture



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

SEP 11 2014

REPLY TO THE ATTENTION OF:

LC-8J

CERTIFIED MAIL No. 7009 1680 0000 7676 5558  
RETURN RECEIPT REQUESTED

Mr. James M. Harris  
President  
B&K Greenworld, Inc.  
4800 South Chicago Beach Drive, Suite 508  
Chicago, Illinois 60615

NOTICE OF INTENT TO TERMINATE  
ESTABLISHMENT REGISTRATION 083864-IL-001

Dear Mr. Harris:

The U.S. Environmental Protection Agency is hereby informing you of EPA's intention to terminate the establishment registration (EPA Est. Reg. 083864-IL-001), of B&K Greenworld Inc, located at 4800 South Chicago Beach Drive, Suite 508, Chicago, Illinois 60615 pursuant to Section 7(c) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (FIFRA or the Act), 7 U.S.C. § 136e(c), and 40 C.F.R. § 167.20(f).

A pesticide producer operating an actively registered establishment must submit an annual Pesticides Report for Pesticide-Producing Establishments (EPA Form 3540-16) (hereafter referred to as the "Report") to the EPA Regional Office which serves the area where the establishment's corporate headquarters (or parent office) is located on or before March 1 of each year. You are a "person" who operates an establishment(s) for purposes of "producing" pesticides and/or devices as those terms are defined by FIFRA and its implementing regulations.

Failure by B&K Greenworld Inc., a pesticide producer operating B&K Greenworld Inc., 083864-IL-001, to file the required annual Reports on pesticide and/or device production for the calendar years 2009 through 2013 has already subjected the establishment to possible civil penalties under the Act.

You are hereby instructed by this Notice of Intent to Terminate an Establishment Registration to submit the delinquent Reports on pesticide production by your registered establishment to:

Pesticide Report Contact (LC-8J)  
U.S. EPA - Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590

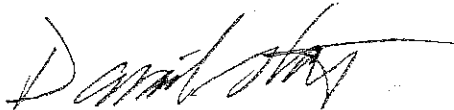
The Reports must be submitted to EPA regardless of whether or not pesticides were produced at your registered establishment during any calendar year. You can obtain a copy of the reporting instructions as well as the Report (EPA Form 3540-16) at the following web site:  
<http://www.epa.gov/compliance/monitoring/programs/fifra/establishments.html>.

This Notice is our final solicitation for the delinquent Reports. Failure on your part to submit the required Reports within thirty (30) days of your receipt of this Notice will result in the termination of the establishment registration for 083864-IL-001, effective upon the date of the Agency's issuance of a Notice of Termination of Establishment Registration. The cancellation of an establishment registration number terminates a person's opportunity to produce pesticides and/or devices in the establishment that is operated by that person.

You should take all necessary measures to preclude any pesticide production at the establishment not in compliance with FIFRA.

All correspondence and any questions you may have regarding this Notice of Intent to Terminate Establishment Registration should be directed in writing to the address above. You may telephone a member of the Section 7 group of the Pesticides and Toxics Compliance Section at (312) 886-0270, if you have any questions.

Sincerely,



David Star  
Chief  
Pesticides and Toxics Compliance Section

cc: Warren Goetsch  
Illinois Department of Agriculture



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

SEP 04 2014

REPLY TO THE ATTENTION OF:

LC-8J

**CERTIFIED MAIL No. 7009 1680 0000 7668 0493**  
**RETURN RECEIPT REQUESTED**

Mr. Charles Corry  
President  
Corr-Tech Associates, Inc.  
1751 West Grand Avenue  
Chicago, Illinois 60622

**NOTICE OF INTENT TO TERMINATE**  
**ESTABLISHMENT REGISTRATION 088627-IL-001**

Dear Mr. Corry:

The U.S. Environmental Protection Agency is hereby informing you of EPA's intention to terminate the establishment registration (EPA Est. Reg. 088627-IL-001), of Corr-Tech Associates Inc, located 1751 West Grand Avenue, Chicago, Illinois 60622 pursuant to Section 7(c) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (FIFRA or the Act), 7 U.S.C. § 136e(c), and 40 C.F.R. § 167.20(f).

A pesticide producer operating an actively registered establishment must submit an annual Pesticides Report for Pesticide-Producing Establishments (EPA Form 3540-16) (hereafter referred to as the "Report") to the EPA Regional Office which serves the area where the establishment's corporate headquarters (or parent office) is located on or before March 1 of each year. You are a "person" who operates an establishment(s) for purposes of "producing" pesticides and/or devices as those terms are defined by FIFRA and its implementing regulations.

Failure by Corr-Tech Associates Inc, a pesticide producer operating Corr-Tech Associates Inc, 088627-IL-001 to file the required annual Reports on pesticide and/or device production for the calendar years 2012 and 2013 has already subjected the establishment to possible civil penalties under the Act.

You are hereby instructed by this Notice of Intent to Terminate an Establishment Registration to submit the delinquent Reports on pesticide production by your registered establishment to:

Pesticide Report Contact (LC-8J)  
U.S. EPA - Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590

The Reports must be submitted to EPA regardless of whether or not pesticides were produced at your registered establishment during any calendar year. You can obtain a copy of the reporting instructions as well as the Report (EPA Form 3540-16) at the following web site:  
<http://www.epa.gov/compliance/monitoring/programs/fifra/establishments.html>.

This Notice is our final solicitation for the delinquent Reports. Failure on your part to submit the required Reports within thirty (30) days of your receipt of this Notice will result in the termination of the establishment registration for 088627-IL-001, effective upon the date of the Agency's issuance of a Notice of Termination of Establishment Registration. The cancellation of an establishment registration number terminates a person's opportunity to produce pesticides and/or devices in the establishment that is operated by that person.

You should take all necessary measures to preclude any pesticide production at the establishment not in compliance with FIFRA.

All correspondence and any questions you may have regarding this Notice of Intent to Terminate Establishment Registration should be directed in writing to the address above. You may telephone a member of the Section 7 group of the Pesticides and Toxics Compliance Section at (312) 886-0270, if you have any questions.

Sincerely,

A handwritten signature in dark ink, appearing to read "David Star", with a stylized flourish at the end.

David Star  
Chief  
Pesticides and Toxics Compliance Section

cc: Warren Goetsch  
Illinois Department of Agriculture



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590  
May 6, 2014

REPLY TO THE ATTENTION OF:

LC- 8J

CERTIFIED MAIL

Receipt No.7009 1680 0000 7648 8884

Mr. Aaron Root  
Root Brothers Mfg. & Supply Co.  
10317 S. Michigan Avenue  
Chicago, Illinois 60628

Consent Agreement and Final Order In the Matter of  
Root Brothers Mfg. & Supply Co. Docket No. **FIFRA-05-2014-0014**

Dear Mr. Root:

Enclosed please find a copy of a fully executed Consent Agreement and Final Order, in resolution of the above case. This document was filed on May 6, 2014, with the Regional Hearing Clerk.

The civil penalty in the amount of \$2,860 is to be paid in the manner described in paragraphs 26 and 27. Please be certain that the docket number is written on both the transmittal letter and on the check. Payment is due by June 5, 2014, (within 30 calendar days of the filing date).

Thank you for your cooperation in resolving this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Terence Bonace".

for Terence Bonace  
Pesticides and Toxics Compliance Section

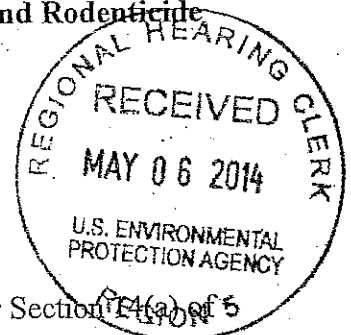
Enclosures

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

|                                 |   |   |
|---------------------------------|---|---|
| In the Matter of:               | ) | Docket No. FIFRA-05-2014-0014           |
|                                 | ) |   |
| Root Brothers Mfg. & Supply Co. | ) | Proceeding to Assess a Civil Penalty    |
| Chicago, Illinois,              | ) | Under Section 14(a) of the Federal      |
|                                 | ) | Insecticide, Fungicide, and Rodenticide |
| Respondent.                     | ) | Act, 7 U.S.C. § 136l(a)                 |
| _____                           | ) |   |

**Consent Agreement and Final Order**

**Preliminary Statement**



1. This is an administrative action commenced and concluded under Section 14(a) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. § 136l(a), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation / Termination or Suspension of Permits (Consolidated Rules), as codified at 40 C.F.R. Part 22.
2. The Complainant is, by lawful delegation, the Director of the Land and Chemicals Division, U.S. Environmental Protection Agency (EPA), Region 5.
3. The Respondent is Root Brothers Mfg. & Supply Co., a corporation doing business in the State of Illinois.
4. Where the parties agree to settle one or more causes of action before the filing of a complaint, the administrative action may be commenced and concluded simultaneously by the issuance of a consent agreement and final order (CAFO). See 40 C.F.R. § 22.13(b).
5. The parties agree that settling this action without the filing of a complaint or the adjudication of any issue of fact or law is in their interest and in the public interest.
6. Respondent consents to the assessment of the civil penalty specified in this CAFO and to the terms of this CAFO.

### Jurisdiction and Waiver of Right to Hearing

7. Respondent admits the jurisdictional allegations in this CAFO and neither admits nor denies the general allegations in this CAFO.

8. Respondent waives its right to request a hearing as provided at 40 C.F.R. § 22.15(c), any right to contest the allegations in this CAFO, and its right to appeal this CAFO.

### Statutory and Regulatory Background

9. Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), states that it is unlawful for any person in any state to distribute or sell to any person any pesticide that is not registered under Section 3 of FIFRA, 7 U.S.C. § 136a, or whose registration has been cancelled or suspended.

10. The term “distribute or sell” means “to distribute, sell, offer for sale, hold for distribution, hold for sale, hold for shipment, ship, deliver for shipment, release for shipment, or receive and (having so received) deliver or offer to deliver.” 7 U.S.C. § 136(gg).

11. A “pesticide” is, among other things, any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest. 7 U.S.C. § 136(u).

12. A “pest” is any insect, rodent, nematode, fungus, weed, or any other form of terrestrial or aquatic plant or animal life or virus, bacteria, or other micro-organism which the Administrator of EPA declares to be a pest under Section 25(c)(1) of FIFRA. 7 U.S.C. § 136(t).

13. A substance is considered to be intended for a pesticidal purpose, and thus to be a pesticide requiring registration, if the person who distributes or sells the substance claims, states, or implies (by labeling or otherwise) that the substance can or should be used as a pesticide. 40 C.F.R. § 152.15(a)(1).

14. The Administrator of EPA may assess a civil penalty against any registrant, commercial applicator, wholesaler, dealer, retailer, or other distributor who violates any

provision of FIFRA of up to \$7,500 for each offense that occurred after January 12, 2009, pursuant to Section 14(a)(1) of FIFRA, 7 U.S.C. § 136l(a)(1), and 40 C.F.R. Part 19.

### **General Allegations**

15. Complainant incorporates paragraphs 1 through 14 of this CAFO as if set forth in this paragraph.

16. Respondent is a "person" as defined at Section 2(s) of FIFRA, 7 U.S.C. § 136(s).

17. Respondent owned or operated a place of business located at 10317 South Michigan Avenue, Chicago, Illinois during the calendar year 2011.

18. On September 28, 2011, an inspector employed by the Illinois Department of Public Health and authorized to conduct inspections under FIFRA conducted an inspection at Respondent's place of business in Chicago, Illinois.

19. During the September 28, 2011 inspection, the inspector observed that the pesticide Dexol Termite Killer, EPA Reg. No. 192-173, was offered for sale on store shelves.

20. Dexol Termite Killer's registration was cancelled on January 25, 2001.

21. The January 25, 2001 cancellation order for Dexol Termite Killer (a/k/a Dexol Termite and Lawn Insect Killer) prohibited the retail distribution of existing stocks after December 31, 2001.

### **Count I**

22. Complainant incorporates by reference the allegations contained in paragraphs 1 through 21 of this CAFO.

23. Respondent distributed or sold the cancelled pesticide Dexol Termite Killer after the prohibited retail sale date of December 31, 2001.

24. Respondent's distribution or sale of the cancelled pesticide Dexol Termite Killer

constitutes an unlawful act pursuant to Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

**Civil Penalty**

25. Pursuant to Section 14(a)(4) of FIFRA, 7 U.S.C. § 136l(a)(4), Complainant determined that an appropriate civil penalty to settle this action is \$2,860. In determining the penalty, Complainant considered the appropriateness of the penalty to the size of Respondent's business, the effect on Respondent's ability to continue in business, and the gravity of the violation. Complainant also considered EPA's FIFRA Enforcement Response Policy, dated December 2009.

26. Within 30 days after the effective date of this CAFO, Respondent must pay a \$2,860 civil penalty for the FIFRA violation by sending a cashier's or certified check, payable to "Treasurer, United States of America," to:

U.S. EPA  
Fines and Penalties  
Cincinnati Finance Center  
Post Office Box 979077  
St. Louis, Missouri 63197-9000

The check must note the following: "In the Matter of Root Brothers Mfg. & Supply Co." and the docket number of this CAFO.

27. Respondent must send a notice of payment that states Respondent's name and the case docket number to EPA at the following addresses when it pays the penalty:

Regional Hearing Clerk (E-19J)  
U.S. EPA, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604

Terence Bonace (LC-8J)  
Pesticides and Toxics Compliance Section  
U.S. EPA, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604

Robert M. Peachey (C-14J)  
Office of Regional Counsel  
U.S. EPA, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604.

28. This civil penalty is not deductible for federal tax purposes.

29. If Respondent does not pay timely the civil penalty, EPA may refer this matter to the Attorney General, who will recover such amount by action in the appropriate United States district court under Section 14(a)(5) of FIFRA, 7 U.S.C. § 136(a)(5). The validity, amount and appropriateness of the civil penalty are not reviewable in a collection action.

30. Pursuant to 31 C.F.R. § 901.9, Respondent must pay the following on any amount overdue under this CAFO. Interest will accrue on any overdue amount from the date payment was due at a rate established by the Secretary of the Treasury. Respondent must pay a \$15 handling charge each month that any portion of the penalty is more than 30 days past due. In addition, Respondent must pay a 6 percent per year penalty on any principal amount 90 days past due.

#### **General Provisions**

31. This CAFO resolves only Respondent's liability for federal civil penalties for the violations alleged in the CAFO.

32. This CAFO does not affect the rights of the U.S. EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law.

33. Respondent certifies that it is complying with Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

34. This CAFO does not affect Respondent's responsibility to comply with FIFRA and other applicable federal, state and local laws.

35. This CAFO is a "final order" for purposes of EPA's FIFRA Enforcement Response Policy.

36. The terms of this CAFO bind Respondent, its successors and assigns.

37. Each person signing this CAFO certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to its terms.

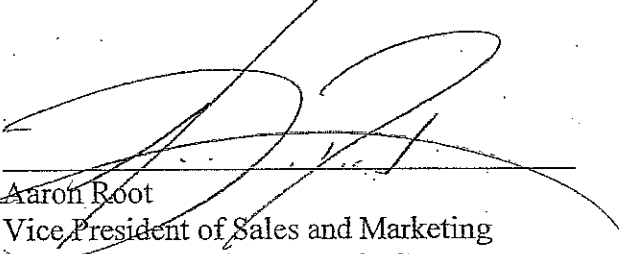
38. Each party agrees to bear its own costs and attorneys fees in this action.

39. This CAFO constitutes the entire agreement between the parties.

**In the Matter of: Root Brothers Mfg. & Supply Co.**  
**Docket No.**

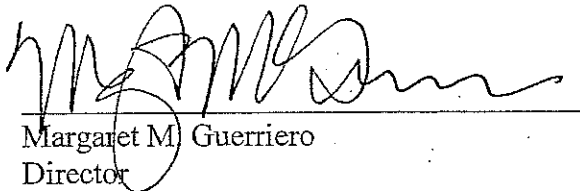
**Root Brothers Mfg. & Supply Co., Respondent**

09 APRIL 2014  
Date

  
\_\_\_\_\_  
Aaron Root  
Vice President of Sales and Marketing  
Root Brothers Mfg. & Supply Co.

**U.S. Environmental Protection Agency, Complainant**

4/24/2014  
Date

  
\_\_\_\_\_  
Margaret M. Guerriero  
Director  
Land and Chemicals Division

In the Matter of:

Root Brothers Mfg. & Supply Co.

Docket No.

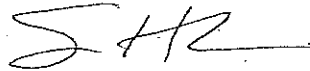
FIFRA-05-2014-0014

Final Order

This Consent Agreement and Final Order, as agreed to by the parties, shall become effective immediately upon filing with the Regional Hearing Clerk. This Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31. IT IS SO ORDERED.

5-2-2014

Date



Susan Hedman  
Regional Administrator  
United States Environmental Protection Agency  
Region 5

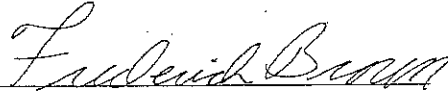
**CERTIFICATE OF SERVICE**

I hereby certify that the original signed copy of the Consent Agreement and Final Order in resolution of the civil administrative action involving Root Brothers Mfg. & Supply Co., was filed on June 5, 2014, with the Regional Hearing Clerk (E-19J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois, 60604, and that I mailed by Certified Mail, Receipt No. 7009 1680 0000 7648 8884, a copy of the original to the Respondents:

Mr. Aaron Root  
Root Brothers Mfg. & Supply Co.  
10317 S. Michigan Avenue  
Chicago, Illinois 60628

and forwarded copies (intra-Agency) to:

Ann Coyle, Regional Judicial Officer, ORC/C-14J  
Robert Peachey, Regional Judicial Officer, ORC/C-14J  
Eric Volck, Cincinnati Finance/MWD

  
Frederick Brown  
Pesticides and Toxics Compliance Section  
U.S. EPA - Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604

Docket No. **FIFRA-05-2014-0014**

Region 5 executes FIFRA CAFO with Root Brothers Manufacturing & Supply Co.,  
Chicago, Illinois

On \_\_\_\_\_, Region 5 filed a Part 22 CAFO commencing and concluding a FIFRA § 14(a) administrative action against Root Brothers Manufacturing & Supply Co. of Chicago, Illinois (Root Bros). Root Bros. was offering the pesticide *Dexol Termite Killer* for sale on September 28, 2011. *Dexol Termite Killer*'s registration was cancelled on January 25, 2001. Root Bros. therefore violated FIFRA § 12(a)(1)(A) for the sale of the cancelled pesticide *Dexol Termite Killer*.

EPA agreed to a penalty of \$2,860 for the alleged violations, in accordance with the FIFRA Enforcement Response Policy. In the CAFO, Root Bros. certifies that it is complying with FIFRA § 12(a)(1)(A).

Contacts: Robert M. Peachey, Office of Regional Counsel, (312) 353.4510; Terence Bonace, Land and Chemicals Division, (312) 886.3387.

Confidential

Region 5's initial proposed penalty was \$3,575. After the company provided information showing that it had paid for proper disposal of the pesticides in October 2011, EPA offered a 20% reduction in the penalty for Respondent's good faith efforts to comply with FIFRA expeditiously after the discovery of the violation. The resulting penalty was \$2,860, which Root Bros. accepted.

Approve: \_\_\_\_\_

Date: \_\_\_\_\_

Disapprove: \_\_\_\_\_

Date: \_\_\_\_\_





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

APR 24 2014

REPLY TO THE ATTENTION OF:

**MEMORANDUM**

**SUBJECT:** Root Brothers Mfg. & Supply Co.

**FROM:** Mardi Klevs, Chief *TM, for MK*  
Chemicals Management Branch

**TO:** Margaret M. Guerriero, Director  
Land and Chemicals Division

Susan Hedman  
Regional Administrator

Attached is a CAFO (with ORC concurrence) in settlement of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) action taken against the Respondent, Root Brothers Mfg. & Supply Co., for distributing or selling a pesticide, Dexol Termite Killer, whose registration was cancelled in 2001. The pesticide cancellation included a ban on the retail sale of the product after December 31, 2001.

FIFRA's primary purpose is to ensure that products being sold as pesticides undergo evaluation in the registration process to review efficacy and potential environmental and human health effects in relation to product formulation. Most household uses of insecticides like Dexol Termite Killer containing the active ingredient chlorpyrifos were cancelled in 2001. Such cancellations generally allow continued sale of product already in the marketplace indefinitely, but this cancellation prohibited retail sales too.

Root Brothers Mfg. & Supply Co. is a hardware store located in Chicago. Immediately following the September 28, 2011 inspection when the illegal product was identified, Root Brothers Mfg. & Supply Co., paid for the legal disposal of the pesticide, thereby immediately correcting the violation. The penalty was mitigated 20 percent for cooperation to \$2,860. We recommend that you sign this Order.

Attachments

